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# QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

## Detention of international civil servants and their families

## Updated report of the Secretary-General prepared pursuant to Commission on Human Rights resolution 1996/29

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## Introduction

1. In its resolution 1996/29, the Commission on Human Rights invited the Secretary-General to request the United Nations organs concerned to submit to him their views and comments on the recommendations contained in the report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the protection of the human rights of United Nations staff members and their families (E/CN.4/Sub.2/1992/19) and to submit a report evaluating the measures proposed for the implementation of those recommendations. The Secretary-General was invited to prepare a document containing the relevant principles of protection found in the Convention on the Safety of United Nations and Associated Personnel for use as guidelines in bilateral negotiations of headquarters agreements and mission agreements with the concerned Governments; such negotiations would take into account national legislation where the Government concerned has not ratified or acceded to the Convention. Furthermore, the Secretary-General was requested to report to the Commission at its fifty-third session on the status of the Convention, on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, on cases which have been successfully settled since the presentation of the last report, and on the implementation of the measures referred to in the resolution. The present report is submitted pursuant to that request.

2. For background information, see the report submitted to the Commission at its fifty-first session (E/CN.4/1995/40, paras. 1-19).

## I. RECENT DEVELOPMENTS

### A. Report by the Secretary-General to the Fifth Committee of the General Assembly

3. A note dated 30 September 1996 submitted by the Secretary-General to the Fifth Committee of the General Assembly on behalf of the members of the Administrative Committee on Coordination on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations (A/C.5/51/3) covers the period from 1 July 1995 to 30 June 1996. In its section II, on the security and safety of officials, it states that 10 civilian staff members of different United Nations organizations and agencies lost their lives during the reporting period. Moreover, staff members in the performance of their functions have been subjected to attack, injury, abuse or harassment throughout the same period. The deterioration of the security situation in two countries, Liberia and the Central African Republic, led to the relocation of dependents and/or non-essential staff to safe havens. Annex II to the report contains the following list of staff members who have lost their lives since 1 July 1995:

| Name | Nationality | Agency | Place/date of incident | Cause of death |
|---|---|---|---|---|
| Francisco Lima | Angola | UNICEF | Luanda, 25 July 1995 | Gunshot wounds |
| John Adeyemi | Nigeria | " | Lagos, 10 November 1995 | Gunshot wounds |
| William Jefferson | United States of America | UNFPA | Tuzla, Bosnia and Herzegovina, 19 November 1995 | Gunshot wounds |
| Ahmed Abdilkadir Tawane | Somalia | UNICEF | Mogadishu, 22 November 1995 | Gunshot wounds |
| Andrzej Kaczor | Poland | Department of Humanitarian Affairs/United Nations Guards Contingent in Iraq | Shaqlawa, Iraq, 7 December 1995 | Explosion |
| Emmanuel Rabaya | Philippines | " | Shaqlawa, Iraq, 7 December 1995 | Explosion |
| Bikash Jungi Shah | Nepal | " | Shaqlawa, Iraq, 7 December 1995 | Explosion |
| George Gikuni | Kenya | UNEP/ United Nations Office at Nairobi | Nairobi, 16 December 1995 | Gunshot wounds |
| Mohamed Siyat Rage | Somalia | UNICEF | Kismayo, Somalia, 5 January 1996 | Gunshot wounds |
| Peter Onginde | Kenya | UNHCR | Nairobi, 24 May 1996 | Gunshot wounds |

4. Annex I of the report provides a summary of cases of staff members under arrest and detention or missing and with respect to whom the United Nations and the specialized agencies and related organizations have been unable to exercise fully their right to protection. That list is reproduced in the annex to the present report.

5. The report indicates that an ad hoc inter-agency meeting on security was convened by the United Nations Security Coordinator in Geneva on 8 and 9 May 1996 in an effort to make further improvements in staff security and security management in the field.

6. The Secretary-General emphasized that the primary responsibility for the security and protection of the staff members, their spouses and dependants and property and for the Organizations' property rests with the host Government. Under Article 105 of its Charter, the United Nations is entitled to enjoy such privileges and immunities as are necessary for the fulfilment of its purposes. The other organizations in the United Nations family and their staff enjoy similar privileges and immunities under their respective constitutional

instruments. Officials of the organizations are entitled under the same provisions to enjoy such privileges and immunities as are necessary for the independent exercise of their functions.

7. During the period under review, the arrest or detention of staff members continued to raise serious concern, in particular in Rwanda, where numerous locally recruited United Nations staff continue to be detained. Following the departure of the United Nations Assistance Mission to Rwanda (UNAMIR) in March 1996, the Resident Coordinator and representatives of United Nations agencies in Rwanda have continued to take a number of initiatives at the local level to pursue this issue with the Rwandan authorities. A Rwandan lawyer has been hired on an inter-agency basis to assist with these cases. Updated information regarding the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), as provided by the Agency, is included in paragraphs 31-35 below.

## B. Information submitted by individual organizations and United Nations subsidiary organs and offices or joint subsidiary organs

### 1. United Nations Peace-Keeping Force in Cyprus (UNFICYP)

8. Generally, the privileges and immunities of civilian officials of the United Nations, specialized agencies and related offices in Cyprus have been respected and the safety and security of their staff ensured. The following incidents, however, were reported.

9. On 4 September 1995, two locally recruited General Service staff members who were Greek Cypriots were detained by Turkish Cypriot police at Pano Zodhia checkpoint while returning from completion of an authorized journey to Roca Camp. Upon completion of their task at Roca Camp, the staff members returned to Lefke checkpoint, accompanied by the Sector One Medical Officer who was travelling in a separate vehicle. Upon arrival at the Zodhia gate, the two Greek Cypriots were detained by the Turkish Cypriot police. They were interrogated and detained overnight in Morphou. No charges were made against the staff members who were released in good health to the UNFICYP Australian Civilian Police on 5 September 1995.

### 2. United Nations Interim Force in Lebanon (UNIFIL)

10. During the reporting period UNIFIL has been marked by two noteworthy events: the signing of a status-of-forces agreement with the Government of Lebanon on 15 December 1995 and the escalation of tension in South Lebanon, which culminated into a major confrontation between the Israel Defence Forces and Hezbollah between 11 and 27 April 1996.

11. The status-of-forces agreement granted UNIFIL and its officials de jure recognition of privileges and immunities it had been enjoying on a de facto basis over the years. Even though the document did not change the practice of the mission, it provided the legal framework for the relationship between the host Government and the mission.

12. The Legal Adviser was advised on 25 July 1995 that a local staff member had been sentenced by a local court to a fine and two months' imprisonment for a traffic accident, which occurred on 26 August 1992 and which the United Nations insurance agent had settled on behalf of UNIFIL. The judgement was obtained in Tyre district court ex parte. At the time of the accident the staff member was driving a United Nations vehicle on duty, thus performing an act in the course of his official duty within the meaning of immunity from legal process under the Convention on Privileges and Immunities of the United Nations of 1946.

13. The case has been brought to the attention of the Ministry of Foreign Affairs with the request that the judgement be revoked. The Ministry first maintained that local staff members did not enjoy the immunity referred to above. However, the UNIFIL Legal Adviser has continued to pursue the case within the Ministry, explaining General Assembly resolution 76 (I) of 7 December 1946, which extends functional immunity to all staff members of the United Nations, with the exception of those paid hourly rates. The status-of-forces agreement stipulates the same.

14. A local staff member was taken into custody by the local security force at Beirut airport on 4 June 1996. The staff member was on family visit travel when arrested. He was imprisoned under "administrative detention" without charge, trial or conviction. No reason for his arrest and detention was given. UNIFIL used its channels to get information on the staff member's condition and requested access to him. The Legal Adviser also requested the assistance of the Ministry of Foreign Affairs in obtaining the staff member's release, asking to be provided with the reasons for the arrest and for UNIFIL to have access to the staff member. The staff member was released on 10 June 1996 and the Lebanese Army informed UNIFIL that all allegations against him had been withdrawn.

15. Nevertheless, the period covered has been marked by complex developments in South Lebanon, most importantly the military confrontation from 11 to 26 April 1996. The situation has been described in detail in the report of the Secretary-General. During the confrontation, United Nations positions and vehicles came under direct fire. UNIFIL protested all close firing. The security and safety of United Nations officials, especially those who were directly involved in the operations of rendering humanitarian assistance and extending protection to the local population in the area, was seriously affected, as the staff had to operate under tense and dangerous conditions.

16. The press information officers, as well as many local staff members in the area of operation, were exposed to actual or potential emergency situations and the need to assist and rehabilitate them in dealing with the after-effects of traumatic and stressful security-related experiences, in particular the incident in Qana village on 18 April, should not be overlooked.

17. Finally, UNIFIL continued to make every effort to ensure security and protection of its staff:

(a) Security in UNIFIL headquarters, Naqoura. Four Katyusha rockets landed in the proximity of the Naqoura Camp and one landed inside the headquarters. As a result of the Katyusha threat to UNIFIL headquarters, the

policy regarding going to the shelters was revised and updated. Personal security in the camp was addressed by revising the shelter plan, increasing the awareness of the staff and conducting three shelter exercises;

(b) Security in the area of operation. In view of the increased military activity and threat in the area of operation, the authority of the civilian administration to authorize civilian staff to travel to the area of operation was handed over to the Senior Operations Officer who controlled and authorized the movement of all military and civilian convoys during the confrontation;

(c) Security in Nahariya. The UNIFIL evacuation plan for civilian staff and their dependants was revised and practical steps taken to ensure full preparation for activation of the plan should the need arise. UNIFIL increased security alertness of the staff. In addition, the staff were briefed daily on the operational situation, including updates on safety and the requirement to report to work.

### 3. United Nations Truce Supervision Organization (UNTSO)

18. UNTSO has two outstanding issues with the Israeli authorities to report. Beginning on 26 February 1996, the Israeli authorities have randomly denied transit of UNTSO Palestinian local staff from their place of residence in the West Bank to their place of work at Government House. Although the reason given is security, the Israeli authorities have persistently avoided all attempts by UNTSO to come to an understanding on requirements. This, together with the randomness of admitting United Nations buses bringing staff to work one day and not admitting them the next, amounts to an abuse under Article 105 of the Charter.

19. UNTSO is obliged to send its diplomatic pouch to United Nations Headquarters out of Amman Airport in Jordan because the Israeli authorities will not permit the pouch to be delivered directly to the aircrew as is provided by the Vienna Convention. They insist it should be delivered to Israeli security 24 hours beforehand.

## D. Office of the United Nations High Commissioner for Refugees (UNHCR)

20. Over the past year, all the resources of UNHCR have been stretched to the limit in dealing with the continuing crises involving refugees and displaced persons. The sudden upsurges of violence in the Central African Republic and Liberia have added to the problems UNHCR is expected to deal with and resolve on a continuing basis.

21. The disregard shown by many of the combatants for the privileges and immunities of officials of the United Nations system has seen little if any improvement in the past year and in this context there is a feeling of helplessness at the report of the killing of three International Committee of the Red Cross (ICRC) delegates in Burundi.

22. Incidents of failure to respect the privileges and immunities of officials of the United Nations, the specialized agencies and related organizations continue to arise in abundance. Unless and until there is an

across-the-board acceptance by local authorities in the areas where United Nations operations of whatever kind are being conducted that they will provide adequate protection to staff and organization property, the current climate of stress and uncertainty of life will continue.

### 5. United Nations Children's Fund (UNICEF)

23. The Government of Rwanda continues to hold without trial five UNICEF national staff members. Details are included in annex I.

24. Also in Rwanda, five armed robberies were committed against UNICEF staff members in 1995 by men wearing uniforms of the Rwanda Patriotic Army.

25. During the past year there have been four armed robberies committed against staff in Angola by men who were either police or wore police uniforms.

26. In Burundi and eastern Zaire, difficulties have been experienced with the authorities not respecting the United Nations certificate as a valid identity document for a United Nations consultant.

27. In Lima, two staff and several family members whose status as United Nations employees was initially not accepted by the police were placed at great risk in an anti-terrorist operation.

28. In summary, the main problem UNICEF experiences tends to be the result of individuals in authority, often armed, who ignore immunities in order to steal. It is not generally a case of the Government itself refusing to accept its obligations. UNICEF is trying to take this into account in planning security and in training staff.

### 6. United Nations Office at Nairobi

29. In the period under review, there have been no arrests or detention of officials of the United Nations or specialized agencies by the Government of Kenya. However, many United Nations officials have been victims of the rising tide of criminal violence and indeed two national staff members were murdered while on duty. Both were drivers; one was murdered in the course of a car hijacking in December 1995 and the other was murdered in the course of a robbery in May 1996. Armed car hijackings, whilst lately in decline, pose the greatest risk to United Nations officials. Over the last four years, three officials have been killed and two wounded. The crime statistics for the period under review are:

| | |
|---|---|
| Armed vehicle hijacking | 18 (including 3 attempts) |
| House robbery | 24 (including 6 attempts) |
| Street crime | 18 cases. |

30. Over the past two years, the United Nations Office at Nairobi has impressed on the Government of Kenya the need to improve security for United Nations officials. In the last six months, there have been

improvements in the situation. In particular, there has recently been a strengthening of measures by the Kenyan police against organized crime, in particular vehicle hijacking.

### 7. United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNWRA)

#### Arrest and detention of UNRWA staff

31. There was a considerable rise in the number of staff members arrested and detained by the Palestinian Authority during the reporting period. A total of 93 staff members were arrested and detained in the Gaza Strip, compared with 58 last year. While the majority were detained for only short periods and 77 were released without charge or trial, by the end of the reporting period 16 staff members remained in detention. In the West Bank a total of 13 staff members were detained by the Palestinian Authority and 3 by the Israeli authorities. Of these, nine remained detained by the Palestinian Authority and two by the Israeli authorities at the end of the period. No staff members were detained in the Syrian Arab Republic and only one in Jordan, a decrease in both fields compared with the preceding reporting period. One staff member was detained in Lebanon. A total of 111 staff members were detained throughout the area of operation during the reporting period. Of those, 84 were released without charge or trial and 27 remained in detention as at 30 June 1996.

32. As in previous years, while UNRWA continued to make frequent approaches to the relevant authorities in all its areas of operation, it was not provided with adequate and timely information as to the reasons for the arrest and detention of its staff members. In the absence of sufficient information, the Agency was unable to ascertain whether the staff members' official functions were involved, bearing in mind the rights and duties flowing from the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations and the relevant staff regulations and rules of UNRWA.

33. In contrast to the difficulties referred to in last year's report, the Agency obtained access to all staff members from the West Bank detained during this and previous reporting periods by the Israeli authorities. The Agency also had access to all staff from the West Bank detained by the Palestinian Authority. In the Gaza Strip, however, the Agency experienced considerable difficulties in obtaining access to detained staff, and was able to visit only two staff detained by the Authority, though, as emphasized last year, it should be noted that most such detentions were for relatively short periods. Despite continued approaches to the relevant Governments, the Agency remained unable to visit staff previously detained during prior reporting periods in Jordan, Lebanon and the Syrian Arab Republic.

#### Security and safety of UNRWA staff

34. The treatment and state of health of staff members in detention continued to be of concern to UNRWA, with staff after their release by both the Palestinian Authority and the Israeli authorities complaining of having

been subjected to various forms of physical and psychological mistreatment. UNRWA provided medical assistance as required to detained staff members to whom the Agency obtained access and who were suffering from health problems.

35. With regard to the mistreatment of staff members in the West Bank and Gaza Strip by members of the Israeli security forces, instances of which had been reported in previous years, this was not an issue during the current reporting period.

### 8. United Nations Educational, Scientific and Cultural Organization (UNESCO)

36. A UNESCO staff member of Netherlands nationality based in Jakarta was taken hostage in Irian Jaya province, Indonesia, on 8 January 1996 by separatist rebels of the Free Papua Movement. Another national of the Netherlands, four Britons, one German and a number of Indonesians were also taken. Both the Secretary-General of the United Nations and the Director-General of UNESCO strongly condemned the hostage-taking and issued appeals for the immediate release of all hostages. Through a series of protracted discussions over several months, the Indonesian authorities, with the valued assistance of the ICRC, attempted to secure the peaceful release of the hostages. The hostages were finally liberated through Indonesian military intervention on 15 May during which two of the hostages lost their lives at the hands of the rebels. UNESCO once again wishes to stress the United Nations system's concern for the safety and security of civilian personnel, which has been expressed forcefully by the Administrative Committee on Coordination in a number of statements.

### 9. World Health Organization (WHO)

37. The immunity of a locally recruited staff member in a case of a traffic accident in the performance of official duties was questioned by the Moroccan authorities. The reason invoked was that the name of the staff member concerned had not been included in the list of WHO officials communicated at regular intervals to the host country. The case is still pending.

### 10. World Food Programme (WFP)

38. The following violations of privileges and immunities of WFP staff members have been reported to WFP headquarters:

Afghanistan

39. On 4 September 1995, Taliban forces invaded the city of Herat and it was necessary to evacuate a WFP international emergency officer for security reasons to Mashad, Islamic Republic of Iran, while the fighting continued.

40. In October 1995, a major Taliban offensive against Kabul was initiated and ground fighting was reported on the outskirts of the city with incoming rocket fire reaching Shar-e-Naw, where the WFP office and United Nations guesthouse are located. WFP staff were obliged to seek refuge in the bunker at the United Nations guesthouse.

41. On 20 March, two WFP vehicles were stopped by gunmen while travelling on the highway between Tolequan and Kunduz. The WFP emergency officer and driver, on assessment mission, were beaten and suffered slight injuries. The gunmen stole money and a number of items from the cars before leaving.

Angola

42. On 25 August 1995, a WFP-hired truck that had made a delivery for the non-governmental organization Caritas at Cacuso drove over a mine on the return journey to Malange. The driver's assistant and a Caritas worker were killed.

43. On 31 August 1995, in the same vicinity, another truck, also commercially hired and part of a WFP convoy returning empty from Malange to Luanda, detonated a mine. This time there were no casualties or injuries.

44. On 28 February 1996, in Likua, south-east Angola, a local WFP staff member who was working on an emergency distribution team was fired upon by unknown persons while in his vehicle. The attack was never explained nor were the attackers identified.

45. In April 1996 a small WFP convoy travelling from Huambo to Vila Nova was attacked by a group of more than 20 armed men. During the attack shots were fired in the air and the trucks were looted as were personal possessions.

Bosnia and Herzegovina

46. On 5 May, a WFP national staff member was attacked by two armed masked men in Banja Luka; the WFP vehicle he was using was stolen.

Burundi

47. On 21 December 1995, in Ngozi, a grenade was thrown into the living room of the WFP residence causing extensive damage. No serious injuries were suffered because there had been various warning signals that had enabled the staff members to take necessary evasive action. The following day, five members of the Sans Échec group assembled outside the WFP warehouse in Ngozi refusing to leave until they had an audience with the WFP logistics officer. Their leader stated that attacks would continue until all WFP international staff left Ngozi. He also stated that his group intended to kill the WFP logistics officer that same evening. Later that day grenades exploded in the UNHCR parking lot damaging WFP, UNHCR and Belgian Red Cross vehicles. Four Sans Échec members forcibly entered the WFP residence, ransacked the contents and threw two grenades into the house. On 22 December United Nations and non-governmental organization staff were evacuated to Bujumbura.

Cambodia

48. A WFP monitor was directly threatened in July 1995 regarding his presence and activities in Kampong Thom. WFP was advised to limit operations in the province.

49. On 9 October 1995, west of Kompong Cham, a Cambodian Red Cross employee returning from a WFP field visit on a WFP motorcycle was accosted by armed thieves who shot and killed him.

50. On 26 March 1996, 28 members of a demining team from the Mines Advisory Group were abducted while clearing a road prior to reconstruction works with WFP food aid assistance. The abductors were reported to be either Khmer Rouge soldiers or Khmer Rouge defectors. Twenty-six of the team were released the same day, but the team leader and his interpreter were kept as hostages. Their present situation is not known.

Central African Republic

51. Following the mutiny of elements of the military against the Government on 18 May 1996, incidents of looting and heavy fighting took place in Bangui. The house of one WFP staff member was looted and burned. The WFP office was also looted. WFP staff together with other international staff were evacuated. All local staff members were gathered in the UNDP compound with adequate security measures.

Liberia

52. Following the outbreak of violence in Liberia in early April 1996, all WFP international staff, with the exception of the country director and post captain, were evacuated. In mid-April WFP sent a rapid response team to assist in the evacuation of international staff as well as other foreigners. Given the circumstances, a number of WFP national staff were evacuated as well. The WFP office in Monrovia was ransacked along with other missions and private homes.

Rwanda

53. On 31 August 1995, a WFP vehicle transporting the WFP finance officer was forced to stop by three armed men and robbed at gunpoint. An official WFP cheque in the amount of $200,000 for the Rwanda operation was taken, as were personal belongings. None of the staff members was injured and the stolen items were later recovered when the thieves had a car accident.

Somalia

54. On 17 September 1995, when the Somali faction leader General Aidid and 600 militiamen seized the south-western city of Baidoa, the WFP compound was looted, two guards were injured and the four international staff were taken to an unknown location. Later the same day a WFP national staff member was able to locate the international staff and convince the militia to transfer them to the same compound where another 16 international staff were held. As a result of United Nations negotiations the detainees were released after five days.

Sudan

55. A WFP aircraft was diverted by Sudanese rebels upon landing in Pariang on 8 June 1995. An international and a local staff member together with an FAO international staff member and two government officials were taken hostage to the town of Chukudam, controlled by the Sudanese People's Liberation Army. The detainees were released after 44 days of captivity.

56. On 16 September 1995, two WFP food aid monitors were caught in a crossfire when the locality of Panthou was attacked. Contact was lost with them for two days before they were found in good condition.

57. Five WFP field monitor staff had to flee from Motot (Upper Nile) when it was attacked on 5 March 1996. They were picked up by a rescue aircraft eight hours later, suffering from heat exhaustion and dehydration.

58. On 15 March, the barge Doma, hired by WFP, was forced to stop under gunfire on the southern bank of the Soba River by armed forces. The crew, consisting of 17 individuals, including a WFP international consultant and three WFP local staff, were removed and held in custody while the barge was looted and vandalized and the crew stripped of their personal belongings. They were released the same day.

Tajikistan

59. In May, local WFP staff who were distributing food in the Vaksh District in the Korgan-Tjube area of southern Tajikistan were threatened by groups of armed men. This type of incident has reportedly taken place on numerous occasions when local WFP staff have been distributing food.

Uganda

60. On 13 May, two local WFP field monitors and a driver travelling in a WFP vehicle were ambushed and robbed by six armed men near Ikafe. Reports regarding harassment of WFP truck drivers crossing the Uganda-Zaire border have been frequent during the last year.

Yemen

61. On 27 May, heavy shooting broke out within 100 metres of the combined UNDP/UNFPA/WFP offices in Sana'a. All staff were required to take cover in the basement while the government forces fought an armed group in a land dispute.

Zaire

62. WFP staff employed in Zaire are under continuous risk because of the prevailing security situation in the Goma area. On 3 June, violent combat was reported among Zairian military units. Twenty-six staff members were forced to spend the night in the WFP office.

63. A local WFP radio operator was present during the attack on the Agence France-Presse office in Bunagana. The staff member played dead while 28 others were killed as they fled.

64. Finally, WFP staff are still increasingly exposed to life-threatening work environments in many countries.

## II. RELEVANT PRINCIPLES ON PROTECTION IN THE INTERNATIONAL CONVENTIONS ON PRIVILEGES, IMMUNITIES AND SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL

65. Section VI (Observations) of the Secretary-General's report stresses his firm belief that the conventions on the privileges and immunities of the United Nations and of the specialized agencies constitute a critical element in the protection of staff members and their dependants from arrest and detention. Therefore, the Secretary-General invites States that have not become a party to the conventions to give consideration to ratifying or acceding to them. The Secretary-General also invites Member States that have not done so to become a party to the Convention on the Safety of United Nations and Associated Personnel adopted by the General Assembly at its forty-ninth session.

66. The following paragraphs provide a summary of principles on the protection and immunity of United Nations and associated personnel in the above-mentioned conventions.

67. Conventions on the privileges and immunities of the United Nations and of the specialized agencies:

(a) Article II, section 3 and article III, section 5: the premises of the organizations are "inviolable" and their property, wherever located and by whomsoever held, shall be immune from "any ... form of interference";

(b) Article V, section 18 (a) and article VI, section 19 (a): staff members "shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity";

(c) Article V, section 18 (f) and article VI, section 19 (e): staff members "shall be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys".

68. Convention on the Safety of United Nations and Associated Personnel:

(a) Article 7: Duty to ensure the safety and security of United Nations and associated personnel;

(b) Article 8: Duty to release or return United Nations and associated personnel captured or detained;

(c) Article 11: Prevention of crimes against the United Nations and associated personnel;

(d) Article 12: Communication of information;

(e) Article 16: Mutual assistance in criminal matters;

(f) Article 17: Fair treatment;

(g) Article 21: Right of self-defence.

## III. RECENT CASES

Expulsion of two staff members of UN/ECA from Ethiopia

69. Two staff members of the United Nations Economic Commission for Africa (UN/ECA) based in Addis Ababa were arrested by the Ethiopian authorities in February 1996. According to the information transmitted to the Chairman of the United Nations Working Group on Arbitrary Detention, Mr. Mohammed Yussif El-Mustafa and Mr. Atif Musa El-Baghir, both Sudanese nationals, were expelled to Djibouti in April 1996 on the grounds that they had no legal permit to stay in Ethiopia. So far, the Association for the Security and Independence of International Civil Servants (ASIFI) has still not received any information concerning the fate of the two staff members since their expulsion.

70. Regarding the follow-up to this case, the Office of the Assistant Secretary-General for Human Resources is currently working with the Office of Legal Affairs and ECA in order to find a solution to a larger visa issue now affecting ECA in general.

71. On 8 September 1994, Mr. Luis Oliveros, then Administrative Officer and Officer-in-Charge of the High Commissioner/Centre for Human Rights (HC/CHR) office in Cambodia, was attacked by a group of armed people while driving the official car accompanied by his daughter, Monica Oliveros. He was forced to leave the car at gunpoint. The attackers stole the car, abducting his daughter who was later found shot in the leg in a Phnom Penh street. The Ministers of Foreign Affairs and International Cooperation as well as other high-ranking officials in the Government have been very helpful in tracing Monica Oliveros who had to be medically evacuated to Bangkok with her father. Mr. Oliveros had to resign from his position at HC/CHR and to find other employment owing to his daughter's trauma following the attack.

72. The attack was publicly condemned by both the King and the Government which stressed that a police investigation was under way to identify the individuals responsible for the attack. Despite repeated inquiries, the HC/CHR and the then Special Representative of the Secretary-General for human rights in Cambodia, Mr. Michael Kirby, have not received any information on the follow-up to the police investigation to date.

73. On 11 December 1996, a WFP Base Manager, Mr. Jorge Leitao, 31, was fatally wounded in the head by a group of four men dressed in military uniforms on the road between Ndalatando and Ngonguembo in the North province of Angola. Mr. Leitao and three of his colleagues were on a mission to coordinate information on the tracing of families of child soldiers so that they could be demobilized and sent home. The mission was part of WFP's rehabilitation work after the fighting in Angola. The United Nations envoy in Angola, Mr. Alioune Blondin Beye, condemned what he described as an "ignoble act" and called on the Angolan authorities to conduct a full inquiry into the murder.

Pending cases

74. Carmelo Soria Espinosa. On 23 August 1996, a judgement was handed down by the Supreme Court of Chile in connection with the case of Mr. Carmelo Soria Espinosa, a staff member of the Economic Commission for

Latin America and the Caribbean (ECLAC), kidnapped and subsequently murdered in Santiago on 14 July 1973 by agents of the Mulchen Brigade of the National Intelligence Agency (DINA). The Court confirmed the validity of application of Amnesty Decree-Law 2191 to Mr. Soria's case, a decision "which has prevented justice from being done" as stated in ECLAC's press release dated 26 August 1996.

75. In the same press release, ECLAC reiterated that as an official of the United Nations, Mr. Soria enjoyed all the privileges and immunities set forth in article VII, sections 13 and 15, of the 1954 agreement between ECLAC and the Government of Chile and was protected by the provisions of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations and, in particular, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted in 1973. ECLAC stressed that under article 11 of this Convention, the Republic of Chile is required to communicate the outcome of the court proceedings to the Secretary-General of the United Nations, whose duty is to transmit the information to the other States parties to the Convention.

Recently clarified case

76. Ms. Martha Klein, a UNESCO staff member held hostage in Irian Jaya, Indonesia, by the Free Papua Movement (OPM) since January 1996, was released in May through Indonesian military intervention (see para. 36 above). Several appeals, by the Secretary-General of the United Nations, the Director-General of UNESCO as well as the High Commissioner for Human Rights were addressed to OPM in order to release all the hostages using peaceful means. Ms. Klein returned to Indonesia with her family to continue her work with UNESCO.

## IV. STATUS OF THE CONVENTION ON THE SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL

77. By resolution 49/59 of 9 December 1994, the General Assembly adopted the Convention on the Safety of United Nations and Associated Personnel (For background on the Convention, see E/CN.4/1995/40, paras. 50-57).

78. Under the comprehensive review of the whole question of peace-keeping operations in all their aspects, the General Assembly at its fifty-first session adopted a resolution by which all States that have not yet done so were urged to consider signing, ratifying, accepting, approving or acceding to the Convention, to bring about the entry into force of the Convention at the earliest possible date. The resolution also requested the Secretary-General, from within existing resources, to take the necessary steps to facilitate the dissemination of information relating to the Convention and to promote its widest appreciation.

79. As at November 1996, 1/ the status of signatures and ratifications of the International Convention on the Safety of United Nations and Associated Personnel was as follows:

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1/ Multilateral Treaties deposited with the Secretary-General, status as at 31 December 1995 (ST/LEG/SER.E/14).

| Participant | Action | Date |
|---|---|---|
| Argentina | Signature | 15 December 1994 |
| Australia | Signature | 22 December 1995 |
| Bangladesh | Signature | 21 December 199. |
| Belarus | Signature | 23 October 1995 |
| Belgium | Signature | 21 December 1995 |
| Bolivia | Signature | 17 August 1995 |
| Brazil | Signature | 3 February 1995 |
| Canada | Signature | 15 December 1994 |
| Czech Republic | Signature | 27 December 1995 |
| Denmark | Ratification | 11 April 1995 |
| Fiji | Signature | 25 October 1995 |
| Finland | Signature | 15 December 1994 |
| France | Signature | 12 January 1995 |
| Germany | Signature | 1 February 1995 |
| Haiti | Signature | 19 December 1994 |
| Honduras | Signature | 17 May 1995 |
| Italy | Signature | 16 December 1994 |
| Japan | Acceptance | 6 June 1995 |
| Liechtenstein | Signature | 16 October 1995 |
| Luxembourg | Signature | 31 May 1995 |
| Malta | Signature | 16 March 1995 |
| Netherlands | Signature | 22 December 1995 |
| New Zealand | Signature | 15 December 1994 |
| Norway | Ratification | 3 July 1995 |
| Pakistan | Signature | 8 March 1995 |
| Panama | Ratification | 4 April 1996 |
| Philippines | Signature | 27 February 1995 |
| Poland | Signature | 17 March 1995 |
| Portugal | Signature | 15 December 1994 |
| Romania | Signature | 27 September 1995 |
| Russian Federation | Signature | 26 September 1995 |
| Samoa | Signature | 16 January 1995 |
| Senegal | Signature | 21 February 1995 |
| Sierra Leone | Signature | 13 February 1995 |
| Singapore | Ratification | 26 March 1996 |
| Slovakia | Ratification | 26 June 1996 |
| Spain | Signature | 19 December 1994 |
| Sweden | Ratification | 25 June 1996 |
| Togo | Signature | 22 December 1995 |
| Tunisia | Signature | 22 February 1995 |
| Ukraine | Ratification | 17 August 1995 |
| United Kingdom of Great Britain and Northern Ireland | Signature | 19 December 1995 |
| United States of America | Signature | 19 December 1994 |
| Uruguay | Signature | 17 November 1995 |

ANNEX

Consolidated list of staff members under arrest and detention or missing and with respect to whom the United Nations and the specialized agencies and related organizations have been unable to exercise fully their right to protection*

| Name | Agency | Place and date of incident |
|---|---|---|
| Abdala Daker Hayatli | UNRWA | Missing in the Syrian Arab Republic since 20 April 1980. |
| Issedine Hussein Abu Khreish | " | Detained in the Syrian Arab Republic since 11 September 1980. |
| Mahmoud Hussein Ahmad | " | Missing in Lebanon since 22 March 1983. Reportedly detained by militias or unknown elements. |
| Mohammad Ali Sabbah | " | Missing in Lebanon since 22 March 1983. Reportedly detained by militias or unknown elements. |
| Alec Collett | " | Detained in Lebanon by militias or unknown elements since 25 March 1985. |
| Mohammad Mustafa El-Hajj Ali | " | Missing in Lebanon since 28 November 1986. Reportedly detained by militias or unknown elements. |
| Kassu Asgedon | WFP | Detained in Ethiopia since 4 September 1991. |
| Hassan Mohammad Hammad | UNRWA | Detained in the West Bank since 15 February 1993. |
| Jaber Ali Wahdan | " | Detained in the West Bank since 3 May 1993. |
| Andualem Zeleke | ECA | Detained in Ethiopia since 25 June 1993. |

* The consolidated list contains in chronological order the names of staff members who remained in detention or missing as at 30 June 1996. The list, however, is not intended to provide information on all cases of staff members who have been arrested or detained or have been missing in the past or on the cases where staff members have lost their lives in the performance of official duties.

| Name | Agency | Place and date of incident |
|---|---|---|
| Sara J'areh | UNRWA | Detained in the West Bank since 24 September 1993. |
| Rida Mahmoud Khaled | " | Detained in the West Bank since 18 October 1993. |
| Alfred Rusigariye | UNAMIR | Detained in Kigali since 22 September 1994. |
| Elizier Cyimanizanye | UNICEF | Detained in Kigali since 28 October 1994. |
| Deo Idanumbira | UNDP | Missing in Rwanda since 1 November 1994. |
| Benoit Ndejeje | " | Detained in Kigali since 11 November 1994. |
| Jean-Marc Ulimubenshi | UNHCR | Detained in Butare, Rwanda, since 15 November 1994. |
| Athanase Habimana | " | Detained in Butare, Rwanda, since December 1994. |
| Azzam Husni Attaleh | UNRWA | Detained in the West Bank since 12 December 1994. |
| Jean Bosco Rwagaju | UNHCR | Detained in Gitarama, Rwanda, since January 1995. |
| Jean Chrisostome Muvunyi | " | Detained in Gikongoro, Rwanda, since 9 January 1995. |
| Charles Ngendahimana | " | Detained in Butare, Rwanda, since 10 January 1995. |
| Alfred Nsinga | UNAMIR | Detained in Kigali since 8 February 1995. |
| Mathieu Nsengiyaremye | UNHCR | Detained in Cyangugu, Rwanda, since 12 February 1995. |
| Luc Birushya | UNDP | Detained in Kigali since 13 March 1995. |
| Athanase Ngendahimana | " | Detained in Kigali since 25 March 1995. |
| Joseph Nsabimana | UNHCR | Detained in Nyanza, Rwanda, since 25 March 1995. |

| Name | Agency | Place and date of incident |
|---|---|---|
| François Semanzi | " | Detained in Butare, Rwanda, since April 1995. |
| Aloys Byugura | UNICEF | Detained in Kigali since 4 April 1995. |
| Prosper Gahamanyi | UNDP | Detained in Kigali since 12 April 1995. |
| Clotilde Ndagijimana | UNICEF | Detained in Butare, Rwanda, since 14 April 1995. |
| Augustin Rukeribuga | UNHCR | Detained in Butare, Rwanda, since 23 April 1995. |
| Dismas Gahamanyi | WFP | Detained in Kigali since 2 June 1995. |
| Theodore Niyitegeka | " | Detained in Kigali since 2 June 1995. |
| Fulgence Rukindo | Human Rights Field Office in Rwanda | Detained in Kibuye, Rwanda, since 17 June 1995. |
| Boniface Rutagungira | UNICEF | Detained in Kigali since 20 June 1995. |
| Abbas Sempija | UNHCR | Detained in Kigali since 7 August 1995. |
| Manasse Mugabo | UNAMIR | Missing in Rwanda since 19 August 1995. |
| Joseph Munyambonera | UNHCR | Detained in Kigali since 19 October 1995. |
| Khaled Umar El Hamameh | UNRWA | Detained in the Gaza Strip by the Palestinian Authority since 1 November 1995. |
| Al Hakim Hasan Mahdi | " | Detained in the West Bank by the Palestinian Authority since 25 November 1995. |
| Andre Uwizeyimana | UNHCR | Detained in Butare, Rwanda, since 29 December 1995. |
| Mahmoud Saqer El Zatma | UNRWA | Detained in the Gaza Strip by the Palestinian Authority since 3 February 1996. |

| Name | Agency | Place and date of incident |
|---|---|---|
| Boaz Imanivuganamwisi | UNAMIR | Detained in Kigali since 19 February 1996. |
| Mohammad El Ajrami | UNRWA | Detained in the Gaza Strip by the Palestinian Authority since 25 February 1996. |
| Raed Ali Shehadeh | " | Detained in the West Bank by the Palestinian Authority since 27 February 1996. |
| Abdel Fatah Hasan Dukhan | " | Detained in the Gaza Strip by the Palestinian Authority since 3 March 1996. |
| Ayman Ishaq Totah | " | Detained in the West Bank by the Palestinian Authority since 3 March 1996. |
| Khader Mahmoud Abbas | " | Detained in the Gaza Strip by the Palestinian Authority since 5 March 1996. |
| Omar Afandi | " | Detained in the West Bank by the Palestinian Authority since 5 March 1996. |
| Tewfiq Mahmoud Anis Mahmoud | " | Detained in the West Bank by the Palestinian Authority since 5 March 1996. |
| Jamal Mohammad Ali Ghaban | " | Detained in the West Bank by the Palestinian Authority since 6 March 1996. |
| Ahmad Mohammad Hamdan | " | Detained in the Gaza Strip by the Palestinian Authority since 6 March 1996. |
| Rasim Mushrif Kabi | " | Detained in the West Bank by the Palestinian Authority since 7 March 1996. |
| Abdallah Mohammad Abu Mishref | " | Detained in the West Bank by the Palestinian Authority since 9 March 1996. |
| Zaher Ismail Ahmad | " | Detained in the Gaza Strip by the Palestinian Authority since 12 March 1996. |

| Name | Agency | Place and date of incident |
|---|---|---|
| Khalil El Derbashi | " | Detained in the Gaza Strip by the Palestinian Authority since 12 March 1996. |
| Ahmad Ramadan Mteir | " | Detained in the West Bank by the Palestinian Authority since 12 March 1996. |
| Tareq Soboh Abu El Hussain | " | Detained in the Gaza Strip by the Palestinian Authority since 16 March 1996. |
| Ali Hadi Ali Rahman Salama | " | Detained in the Gaza Strip by the Palestinian Authority since 16 March 1996. |
| Bernard Nshinyumukiza | UNAMIR | Detained in Kigali since 19 March 1996. |
| Raed Subhi El Zaqzouq | UNRWA | Detained in the Gaza Strip by the Palestinian Authority since 29 March 1996. |
| Jean Baptiste Mashimango | UNOPS | Detained in Rwanda since 31 March 1996. |
| David Bukeyeneza | UNICEF | Detained in Kigali since 4 April 1996. |
| Hasan Mahmoud Sammour | UNRWA | Detained in the Gaza Strip by the Palestinian Authority since 10 April 1996. |
| Mohammad El Kahlout | " | Detained in the Gaza Strip by the Palestinian Authority since 14 April 1996. |
| Mahmoud Abu Jazar | " | Detained in the Gaza Strip by the Palestinian Authority since 16 April 1996. |
| Emmanuel Twagirayezu | UNICEF | Detained in Kigali since 28 April 1996. |
| Naser Ismail El'Attal | UNRWA | Detained in the Gaza Strip by the Palestinian Authority since 22 May 1996. |
| Nimer Abed Abu Jayyab | " | Detained in the Gaza Strip by the Palestinian Authority since 8 June 1996. |

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